

## **EXHIBIT B**

Theresa D. Moore (99978)  
Attorney At Law  
c/o **ALIOTO LAW FIRM**  
One Sansome Street, 35<sup>th</sup> Floor  
San Francisco, CA 94104  
Telephone: (415) 434-8900  
Facsimile: (415) 434-9200  
[tmoore@aliotolaw.com](mailto:tmoore@aliotolaw.com)

*Counsel for Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION**

Case No. 3:07-cv-5944  
MDL No. 1917

**CLASS ACTION**

This Document Relates to:  
All Indirect Purchaser Actions

**DECLARATION OF THERESA D. MOORE IN  
SUPPORT OF PLAINTIFFS' APPLICATION  
FOR ATTORNEYS' FEES, EXPENSES AND  
INCENTIVE AWARDS**

Judge: Honorable Samuel Conti  
Courtroom One, 17th Floor

1 I, Theresa Driscoll Moore, declare as follows:

2 1. I am an attorney licensed to practice before the courts of the State of California as  
3 well as the United States District Courts for the Northern, Eastern and Central Districts of  
4 California, as well as admitted Pro Hoc Vice in Federal Courts throughout the nation. I am Of  
5 Counsel to the law firm of Alioto Law Firm, and make this Declaration in support of my own  
6 personal work in this matter at bar, and not those of the Alioto Law Firm. Any further request for  
7 expenses or attorneys' fees from the Alioto Law Firm do not include my work in this case. I have  
8 personal knowledge of the facts stated in this declaration and, if called as a witness, I could and  
9 would testify competently to them. I make this declaration in support of my own request for  
10 attorneys' fees and reimbursement of litigation expenses, as set forth in Plaintiffs' Application for  
11 Attorneys' Fees, Expenses and Incentive Awards.

12 2. I am counsel of record in this case, and represent plaintiffs Margaret Slagle, Mark  
13 Pierce, Barbara Caldwell, Barry Kushner, Brian A. Luscher, Jerry Cook, Scott Friedson as well as  
14 Indirect Purchaser Plaintiffs. All of the work I have performed as counsel in this case is mine  
15 alone. A brief description of me and of my firm to which I am Of Counsel is attached as Exhibit 1  
16 and incorporated herein by reference.

17 3. I have been a trial lawyer for 34 years, as a Deputy District Attorney prosecuting  
18 cases on behalf of the State of California, and in civil litigation prosecuting antitrust cases in  
19 Federal and State Courts almost exclusively on behalf of antitrust plaintiffs. To date I have been  
20 lead and/or co lead counsel in approximately 130 trials to verdict, having practiced both criminal  
21 and civil litigation. I began my antitrust career with the Alioto Law Firm of Joseph M. Alioto in  
22 1981 when I participated in my first antitrust trial. I then practiced as a Deputy District Attorney in  
23 San Francisco for seven and one half years until returning to advocacy teaching and practice of  
24 civil antitrust litigation at the Alioto Law Firm, where I remain today. I am a trial attorney  
25 specializing in advocacy, and my substantive legal focus includes antitrust, unfair competition,  
26 business, consumer and complex class actions. A representative sampling of my antitrust and class  
27 action cases follows in paragraph 9.

4. I am a Judge Pro Tem for the State of California San Francisco Superior Court, since 1996.

5. I am a distinguished Professor Adjunct in Trial/Evidence Practice at University of California Hastings College of the Law where I have been teaching trial advocacy since the 1995-1996 academic year.

6. I have served on multiple occasions as Co-chair, Keynote Speaker, and Instructor at the National College of Advocacy, Intensive Advocacy Program, and multiple other associations.

7. I have authored books and articles, the most recent were published this year in 2015 by Lexis Nexis and the National Institute of Trial Advocacy, consisting of two separate books on trial practice, and a third book is slated for publication in 2016, all as part of a series of Trial Practice books authored by me named "Trial By Fire".

8. I am a Certified Mediator and a Special Master. In my capacity as a negotiator and mediator I have successfully mediated approximately 150 cases for many private and government organizations, including the Federal Equal Employment Opportunity Commission, Multi-Option ADR Project, State of California First District Court of Appeal, Conflicts Resolution Center, San Francisco Superior Court and San Mateo County Courts, Bar and Community as a partial list.

9. I studied at the Sorbonne and Institut d'Études Politiques de Paris in Paris, France, received my Bachelor of Arts from Santa Clara University, and my Juris Doctorate from University of California Hastings College of the Law.

A representative sample of my antitrust and class action cases includes:

- *AD/SAT v. Associated Press, et al.*-- antitrust litigation alleging illegal pricing U.S.D.C. S.D.N.Y.; Case No. 94-civ-6655 (PKL)
- *In Re: Airline Ticket Commission Antitrust Litigation*- antitrust class action alleging that the airlines conspired to fix travel agents' commission rates U.S.D.C. Minn Fourth Division; MDL Docket No. 1058 Master File No. 4-95 107 (all actions combined)

- *AD/SAT v. McClatchy Newspapers, Inc.*-- antitrust litigation alleging and illegal pricing conspiracy U.S.D.C. for the Eastern District of California; Case No. CIV-S-95-1387 (DFL) (PAN)
- *Neve Brothers, et al. v. Potash Corporation of Saskatchewan, et al.*-- antitrust class action of indirect purchasers of potash. Sup. Ct. CA S.F. Case No. 959767; Ct. App. CA, 1<sup>st</sup> Dist..
- *Notz et al v Ticketmaster-Southern Californai, Inc. et al.* --antitrust consumer class action alleging a territorial allocation in violation of the Cartwright Act Sup. Ct. CA S.F. Case No. 943-327
- *Cosmetics Antitrust Litigation*--antitrust class action alleging that manufacturers of prestige cosmetics and retail department stores conspired to prevent discounting of cosmetics Sup. Ct CA Marin J.C.C.P. 4056; USDC N.D.CA No. 3:03 cv-03359 SBA
- *Automobile Antitrust Litigation I, II* JCCP 4298 and 4303—antitrust statewide class action by indirect purchasers alleging a price fixing conspiracy. Sup.Ct. CA S.F; J.C.C.P. Nos. 004298, 004303;U.S.D.C. for the District of Maine; MDL 03-md-1532
- *Clayworth, et al. v. Pfizer, Inc., et al.*--antitrust action by indirect purchaser retail pharmacists alleging a price fixing conspiracy against major drug manufacturers Sup. Ct. CA Alameda Case No. 04172428
- *In Re Nasdaq Market Makers Antitrust Litigation* --antitrust nationwide class action alleging a price fixing conspiracy MDL 1023 94 Civ. 3996 (RWS)

- *Breaux v Agency Rent a Car*; --class action of employees of rental car company. *USDC N.D. CA*
- *In Re Tableware Litigation*-- antitrust action alleging illegal pricing and boycott U.S.D.C. Case No. C-04-3514 VRW
- *Tam Travel et al. v. Delta Airlines et al*-- antitrust action of opt outs from a class action alleging that the airlines conspired to fix travel agents' commission rates
- *In Re Verizon Wireless Data Charges Litigation*-- antitrust action alleging an illegal scheme of charging for data on mobile devices. *USDC 3:10-cv-01749*
- *In Re Optical Disc Drive Antitrust Litigation (ODD)*-- antitrust action alleging illegal conspiracy to fix the prices of optical disc drives used in electronic devices such as monitors and computers and other devices. *USDC ND CA Case No. MDL 02143*
- *Malaney v. United Airlines, Inc.*-- action under the Clayton Act alleging an illegal combination and merger of airlines *USDC ND CA Case No: 12-15182*
- *D' Augusta v. Northwest Airlines, Inc. and Delta Air Lines, Inc.*,--action under the Clayton Act alleging an illegal combination and merger of airlines *USDC ND CA 3:08-cv-3007*
- *In re Aftermarket Filters Antitrust Litigation*--antitrust action alleging illegal conspiracy of price fixing for replacement motor vehicle oil, fuel and engine air filters. *USDC ND ILL 1:08-cv-04883*

- *Wayne Taleff, et al v. Southwest Airlines Co., et al.*,-- action under the Clayton Act alleging an illegal combination and merger of major airlines  
*USDC NDCA 11-16173*
- *Credit/Debit Card Tying Cases*-- represented the inventor of the credit card system as an objector to a class action settlement through a successful appeal California Superior Court, San Francisco J.C.C.P. 4335
- *RP Healthcare, Inc., et al. v. Pfizer, Inc., et al.*,--antitrust action alleging an illegal scheme to pay generics to not produce a drug in order to illegally keep the price at supracompetitive levels. (*USDC NJ MDL No. 3:12-cv-05129*)
- *Fjord et al In Re AMR Corporation*, --antitrust Action for violations of Section 7 of the Clayton Antitrust Act *Case No: 11-15463*
- *In re TFT-LCD (Flat Panel) Antitrust Litigation*-- Co lead counsel; antitrust action alleging illegal conspiracy to fix the prices of LCDs used in TVs, tablets, and computer monitors *USDC ND CA Case No. MDL 1827*
- *In Re Lipitor Antitrust Litigation*, --antitrust action of horizontal market allocations in the form of reverse payments to generics. (USDC) *MDL No. 2332*

10. Throughout the course of this litigation, I have kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and have transmitted time reports to Lead Counsel. All of the time and expenses reported were incurred for the benefit of the Indirect Purchaser Plaintiffs (“IPPs”).

11. During the course of this litigation, I have been involved in the following tasks and activities on behalf of the IPPs. All of this work was assigned and/or approved by Lead Counsel.

1 I have been involved in the CRT litigation from the earliest stages, including the initial  
2 investigation of claims, research of the industry, and monitoring of the MDL process. My firm  
3 interviewed clients and reviewed documentation in support of their claims. We kept them apprised  
4 of developments throughout the case. From the beginning we have advised and counseled  
5 regarding strategy and tactics of the litigation including areas of discovery, motion practice, trial,  
6 and prospectively for administration of claims. I have drafted underlying complaints and motions,  
7 and monitored all developments in the case for our clients. All consultation and review of  
8 documents was performed to fulfill a current or expected project or role in the case, including  
9 drafting, revising, and advising on memoranda, evidence and witnesses. I communicated with lead  
10 and co counsel regarding status of the case, strategy of the case, assignments, discovery, witnesses,  
11 law, motions, upcoming deadlines, and I investigated historical, financial and business research on  
12 defendants.

13 12. The schedule attached as Exhibit 2, and incorporated herein, is a detailed summary  
14 of the amount of time spent by me alone and does not reflect the work or expenses of others. It  
15 does not include any time devoted to preparing this declaration or otherwise pertaining to the Joint  
16 Fee Petition. The lodestar calculation is based on figures lower than my historical billing rates in  
17 effect at the time services were performed. Exhibit 2 was prepared from contemporaneous time  
18 records regularly prepared and maintained, and I authorize them to be submitted for inspection by  
19 the Court if necessary. The hourly rates were, at the time the work was performed, and are  
20 currently, lower than the usual and customary hourly rates charged for my services in similar  
21 complex litigation. In Exhibit 2 I have charged a rate reduced from my usual and customary rate at  
22 the time.

23 13. The total number of hours reasonably expended and presented herein on this  
24 litigation by me from inception to May 31, 2015 is 230.4 hours. The total lodestar at historical  
25 rates is \$172,363.45. The total lodestar at current rates is \$183,168.00. Expense items are not  
26 duplicated in my lodestar.

27 14. The expenses the firm incurred in litigating this action are reflected in the books  
28

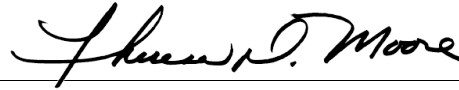


1 and records of the firm. These books and records are prepared from expense vouchers, invoices,  
2 receipts, check records and other source materials and accurately reflect the expenses incurred.  
3 The firm's expense records are available for inspection by the Court if necessary.

4 15. My firm to which I am Of Counsel incurred unreimbursed expenses, all of which  
5 were reasonable and necessary for the prosecution of this litigation, and the firm may request such  
6 reimbursement separate and apart from me.

7 16. Herein, I am not requesting reimbursement of any expenses.

8  
9 I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st  
10 day of August 2015, in San Francisco, CA.

11 

12 Theresa Driscoll Moore  
13 Attorney At Law

## **EXHIBIT 1**



**UC HASTINGS**  
COLLEGE OF THE LAW

## Theresa Driscoll Moore, Adjunct Faculty

Adjunct Professor Theresa Moore was born and raised in San Francisco, California. She received her Bachelor of Arts from the University of Santa Clara in 1978 and her Juris Doctor from the University of California, Hastings College of the Law in 1981. She attended and studied political science/communications and language at UCLA and at the Sorbonne in Paris, France.

Professor Moore has been practicing law since 1981 and has been lead trial attorney in over 100 trials, both jury and court trials. She has practiced civil litigation in private practice and criminal litigation as a San Francisco District Attorney. Her present practice includes complex litigation, antitrust, consumer, employment, business, and juvenile. Having tried so many cases, both criminal and civil, she is intimately familiar with the court and litigation process. In addition to practicing civil litigation, Professor Moore is a Judge Pro Tem and a California Certified Mediator, as well as being a member of several Continuing Legal Education faculties. She has developed a special insight and unique ability in litigation by having participated in cases from all perspectives in her legal litigation career.

In addition, Professor Moore is very active as a volunteer in the San Francisco community, for both legal and charitable organizations. She lives with her husband, who is also a San Francisco native, and their three children in San Francisco. Her offices are located in the San Francisco financial district.

## **Theresa D. Moore**

Ms. Moore specializes in trial practice and mediation. Her substantive legal focus includes antitrust, unfair competition, business, consumer and complex class actions. Ms. Moore has been representing antitrust plaintiffs with the Alioto Law Firm since 1981. She has been lead counsel in over 100 trials, including civil and criminal trials as a Deputy District Attorney in San Francisco.

Ms. Moore is a Judge Pro Tem for the State of California in San Francisco Superior Court. She is a distinguished Professor Adjunct in Trial Advocacy and Evidence at the University of California, Hastings College of Law. She has served as keynote speaker and co-chair for the National College of Advocacy.

Ms. Moore is also a California Certified Mediator and Special Master. She has successfully mediated approximately 150 cases for private and government organizations, including the Federal Equal Employment Opportunity Commission, Multi-Option ADR Project, State of California First District Court of Appeal, Conflicts Resolution Center, San Francisco Superior Court, and the San Mateo County Courts.

Ms. Moore received her Juris Doctor from the University of California, Hastings College of the Law in 1981. She received her Bachelor of Arts from the University of Santa Clara in 1978.

Ms. Moore is admitted to practice in the State of California, as well as the United States District Courts for the Northern, Eastern and Central Districts of California.

A representative sample of Ms. Moore's class action and antitrust cases includes:

*AD/SAT v. Associated Press, et al.*-- antitrust litigation alleging illegal pricing  
U.S.D.C. S.D.N.Y.; Case No. 94-civ-6655 (PKL)

*In Re: Airline Ticket Commission Antitrust Litigation*- antitrust class action alleging that the airlines conspired to fix travel agents' commission rates  
U.S.D.C. Minn Fourth Division; MDL Docket No. 1058 Master File No. 4-95-107 (all actions combined)

*AD/SAT v. McClatchy Newspapers, Inc.*-- antitrust litigation alleging and illegal pricing conspiracy U.S.D.C. for the Eastern District of California; Case No. CIV-S-95-1387 (DFL) (PAN)

*Neve Brothers, et al. v. Potash Corporation of Saskatchewan, et al.*-- antitrust class action of indirect purchasers of potash.  
Sup. Ct. CA S.F. Case No. 959767; Ct. App. CA, 1<sup>st</sup> Dist..

*Notz et al v Ticketmaster-Southern Californai, Inc. et al.* --antitrust consumer class action alleging a territorial allocation in violation of the Cartwright Act  
Sup. Ct. CA S.F. Case No. 943-327

*Cosmetics Antitrust Litigation*--antitrust class action alleging that manufacturers of prestige cosmetics and retail department stores conspired to prevent discounting of cosmetics Sup. Ct CA Marin J.C.C.P. 4056; USDC N.D.CA No. 3:03 cv-03359 SBA

*Automobile Antitrust Litigation I, II* JCCP 4298 and 4303—antitrust statewide class action by indirect purchasers alleging a price fixing conspiracy. Sup.Ct. CA S.F; J.C.C.P. Nos. 004298, 004303;U.S.D.C. for the District of Maine; MDL 03-md-1532

*Clayworth, et al. v. Pfizer, Inc., et al.*--antitrust action by indirect purchaser retail pharmacists alleging a price fixing conspiracy. against major drug manufacturers  
Sup. Ct. CA Alameda Case No. 04172428

*In Re Nasdaq Market Makers Antitrust Litigation* --antitrust nationwide class action alleging a price fixing conspiracy MDL 1023 94 Civ. 3996 (RWS)

*Breaux v Agency Rent a Car; USDC N.D. CA*--class action of employees of rental car company

*In Re Tableware Litigation*; antitrust action alleging illegal pricing and boycott U.S.D.C. Case No. C-04-3514 VRW



**ALIOTO  
LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

MISSION

HISTORY

CASES

INDUSTRIES

CONSULTING

CONTACT



**Antitrust - Unfair Competition - Complex Litigation**  
*United States and Foreign Markets*

SITE DESIGN BY CREATIVE:MINT



ALIOTO  
LAW • FIRM

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

MISSION

HISTORY

CASES

INDUSTRIES

CONSULTING

CONTACT

## - M i s s i o n -

The **Alioto Law Firm** is a true architect in the Antitrust arena. Its founder *Joseph M. Alioto* is a pioneer in prosecuting private plaintiff's antitrust actions. The Firm was founded upon a vision that competition is not a privilege, but rather a right of all businesses and individuals, great and small; and the right of all consumers to have the benefits of free competition. The Alioto Law Firm is steeped in a legacy of innovation, excellence, and ultimately, success and is committed to pursuing this proud tradition of equality and opportunity in the marketplace.

SITE DESIGN BY CREATIVE:MINT



**ALIOTO  
LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

MISSION

**HISTORY**

CASES

INDUSTRIES

CONSULTING

CONTACT

## - History -

*Joseph M. Alioto* is an experienced trial attorney with an unprecedented successful legacy of antitrust actions in the United States. Joseph M. Alioto has represented plaintiffs in some of the largest monetary judgments in the history of the Antitrust Laws and has argued before the United States Supreme Court. ▲▼

Mr. Alioto received his Juris Doctorate from the University of San Francisco School of Law in 1968, was admitted to practice before the Supreme Court of California in January 1969 and since that time has become a nationally acclaimed litigator. He has argued antitrust cases and is a member of or was admitted pro hac vice to the following United States Courts of Appeal for the following circuits: the First Circuit in Boston, Massachusetts; the Second Circuit in New York, New York; the Third Circuit in Philadelphia, Pennsylvania; the Fourth Circuit in Richmond, Virginia; the Fifth Circuit in New Orleans, Louisiana; the Sixth

SITE DESIGN BY CREATIVE:MINT





**ALIOTO  
LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

**MISSION**

**HISTORY**

**CASES**

**INDUSTRIES**

**CONSULTING**

**CONTACT**

## - History -

Circuit in New York, New York; the Third Circuit in Philadelphia, Pennsylvania; the Fourth Circuit in Richmond, Virginia; the Fifth Circuit in New Orleans, Louisiana; the Sixth Circuit in Cincinnati, Ohio; the Eighth Circuit in St. Louis, Missouri; the Ninth Circuit in San Francisco, Los Angeles and Pasadena, California; the Tenth Circuit in Denver, Colorado and Oklahoma City and appeals in antitrust decisions from Georgia before it split into the Eleventh Circuit. He has prosecuted private antitrust actions in which he is either a member or was admitted pro hac vice in the following United States District Courts: San Francisco, Sacramento, Los Angeles and San Diego, California; Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Newark and Trenton, New Jersey; Wilmington, Delaware; Alexandria, Virginia; Washington, D.C.; Lexington, Kentucky; Atlanta, Georgia; New Orleans, Louisiana; Dallas, Fort Worth, Amarillo, Sherman, Austin, San Antonio and Laredo, Texas; St. Louis, Missouri; Minneapolis, Minnesota; Chicago, Illinois; Detroit, Michigan; Cleveland/Youngstown, Ohio; Oklahoma City and Tulsa, Oklahoma; Wichita,

SITE DESIGN BY CREATIVE:MINT



**ALIOTO**  
**LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

MISSION

HISTORY

CASES

INDUSTRIES

CONSULTING

CONTACT

## - History -

New Orleans, Louisiana; Dallas, Fort Worth, Amarillo, Sherman, Austin, San Antonio and Laredo, Texas; St. Louis, Missouri; Minneapolis, Minnesota; Chicago, Illinois; Detroit, Michigan; Cleveland/Youngstown, Ohio; Oklahoma City and Tulsa, Oklahoma; Wichita, Kansas; Albuquerque, New Mexico; Denver, Colorado; Salt Lake City, Utah; Boise, Idaho; Seattle/Tacoma, Washington; Portland, Oregon; Phoenix, Arizona; Las Vegas and Reno, Nevada; and Honolulu, Hawaii. He has also prosecuted antitrust cases in the state courts.

In his distinguished career Joseph M. Alioto has represented independent companies and corporations of all sizes, farmers, inventors, patent holders, manufacturers, suppliers, wholesalers, retailers, distributors, unions, consumers, and entrepreneurs against foreign as well as domestic corporations. The cases the Alioto Law Firm has tried have involved every major industry from manufacturing to service, trading to finance, supply to retail, transportation to mining, foreign and domestic.

SITE DESIGN BY CREATIVE:MINT



**ALIOTO  
LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 [info@aliotolaw.com](mailto:info@aliotolaw.com)

**MISSION**

**HISTORY**

**CASES**

**INDUSTRIES**

**CONSULTING**

**CONTACT**

## - C a s e s -

The Alioto Law Firm has engaged over 350 antitrust cases, and has tried approximately one hundred antitrust trials in federal and state court involving issues relating to monopolization, attempts to monopolize, conspiracies to monopolize, price fixing, group boycotts, market and customer allocations, tie-in arrangements, exclusive dealing, commercial bribery, unlawful acquisitions and mergers, discriminatory pricing, predatory pricing, interlocking directorates, and other anti-competitive conduct.

These trials averaged between three weeks and seven months.

SITE DESIGN BY CREATIVE:MINT



**ALIOTO  
LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

MISSION

HISTORY

CASES

**INDUSTRIES**

CONSULTING

CONTACT

## - I n d u s t r i e s -

The Alioto Law Firm's more than 350 antitrust cases have involved a number of industries including accounting, advertising, agricultural seeds and products, airlines, aluminum, appraisals, asphalt, automobiles, banking, barges, beef, beer, beets, brokerage, cable, casino advertising, cement, compact discs, computer batching, computers, construction, consumer electronic products, copyrights, corn wetmilling, cosmetics, crude oil, custom manufacturing, distilled spirits, distribution, electronic thermometers, electronics, entertainment, farm equipment, football, fructose, glass, golf and other sports restrictions, hardware and software, healthcare, heavy piping, hogs, hospitals, ice cream, insurance, intellectual property, international trading in commodities, iron production and distribution, lamb, livestock, medical equipment, medical insurance, medical supplies, minerals, milk, mining, mortgage banking, movie production, distribution and exhibition, moving and storage, network electronics, newspapers, oil, optic fibers, overhead doors, pacemakers, patents, peripheral manufacturers,



SITE DESIGN BY CREATIVE:MINT



**ALIOTO  
LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

MISSION

HISTORY

CASES

**INDUSTRIES**

CONSULTING

CONTACT

## - I n d u s t r i e s -

newspapers, oil, optic fibers, overhead doors, pacemakers, patents, peripheral manufacturers, pharmaceuticals, photo-finishing, physicians, plastics, potatoes, potash, potato chips, processing, professionals and professional services, publishing, railroads, real estate, rental cars, retailing, refined oil, rendering, satellites manufacturing, services and equipment, securities, shipping, ship-to-shore telecommunication and satellites, soda ash, soft drinks, software, steam shipping, steel production and distribution, sugar, sugar beets, tax preparation, telephone, telecommunication, theaters, thoroughbred horses, tickets, tobacco, trademarks, trading, transcutaneous electronic nerve stimulator, travel industries, trucking, VCR's, veterinarians, wheat, wine, wool, and others.

Of these cases approximately 100 to 150 were published (mostly appeals).

SITE DESIGN BY CREATIVE:MINT



**ALIOTO  
LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

MISSION

HISTORY

CASES

INDUSTRIES

**CONSULTING**

CONTACT

## - Consulting & Testimony -

### *CONSULTING*

With its great depth and diverse experience in the antitrust arena, The Alioto Law Firm provides knowledgeable and practical advice on complex antitrust and unfair competition matters to both domestic and international clients. Joseph M. Alioto frequently consults on strategy and tactics for both plaintiffs as well as defendants and serves as a member on a number of boards.

### *TESTIMONY*

Due to Joseph M. Alioto's national recognition as one of the leading antitrust attorneys in the United States, he is frequently asked to give testimony related to pending antitrust legislation. He has done so before the Judiciary Committee of the United States Senate, the Judiciary and Maritime Committees of the United States House of Representatives, the Judiciary Committee of the Senate and Assembly of the State of California.

SITE DESIGN BY CREATIVE:MINT



**ALIOTO  
LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

MISSION

HISTORY

CASES

INDUSTRIES

CONSULTING

CONTACT

## - Consulting & Testimony -

Mr. Alioto has also had national televised debates with United States Antitrust Division Chiefs, including William Baxter, Assistant Attorney General, Antitrust Division, on CNN, and Charles Rule, Assistant Attorney General, Antitrust Division on FNN, as well as being a guest on national programs such as “Hard Ball” with Christopher Matthews, the McNeil Lehrer Report and others. ▲▼

Mr. Alioto has given dozens of lectures at American Bar Associations, State Bar Associations, law schools, universities and symposiums on the antitrust laws. His topics have varied from practical instruction, “How to Try an International Antitrust Case,” to philosophical underpinnings of the antitrust laws, “Adam Smith Antitrust and the United States.”

Mr. Alioto is frequently interviewed on radio and television and quoted in the written media, including national magazines and major national newspapers (*USA Today* and *Wall*

SITE DESIGN BY CREATIVE:MINT





**ALIOTO  
LAW • FIRM**

**Alioto Law Firm**

555 California Street, Thirty-First Floor, San Francisco, California 94104

Tel (415) 434-8900 Fax (415) 434-9200 info@aliotolaw.com

**MISSION**

**HISTORY**

**CASES**

**INDUSTRIES**

**CONSULTING**

**CONTACT**

## - Consulting & Testimony -

Mr. Alioto has given dozens of lectures at American Bar Associations, State Bar Associations, law schools, universities and symposiums on the antitrust laws. His topics have varied from practical instruction, "How to Try an International Antitrust Case," to philosophical underpinnings of the antitrust laws, "Adam Smith Antitrust and the United States."

Mr. Alioto is frequently interviewed on radio and television and quoted in the written media, including national magazines and major national newspapers (*USA Today and Wall Street Journal*) and major metropolitan newspapers throughout the country (i.e., *New York Times, Chicago Sun Times, Los Angeles Times, San Francisco Chronicle and Examiner, Washington Post, Dallas Morning News, Atlanta Constitution, Miami Herald, Denver Post, Boston Globe*)

**TOP OF PAGE**

SITE DESIGN BY CREATIVE:MINT



## **ALIOTO LAW FIRM**

1 SANSOME STREET, 35<sup>th</sup> FL  
SAN FRANCISCO, CALIFORNIA 94104  
(415) 434-8900 • FAX (415) 434-9200

---

### **Joseph M. Alioto**

Joseph M. Alioto has prosecuted private antitrust cases for the last forty-six years. He has tried and won more or as many antitrust cases as any other attorney in the country. He has represented farmers, independent companies, inventors, patent holders, manufacturers, suppliers, wholesalers, retailers, distributors, unions, consumers, and entrepreneurs against foreign as well as domestic corporations. Mr. Alioto's cases involve every major industry from manufacturing to service, trading to finance, supply to retail, transportation to mining, foreign and domestic.

### **COURT MEMBERSHIP**

Mr. Alioto has argued antitrust appeals on behalf of plaintiffs in the United States Supreme Court and all twelve Circuit Courts of Appeals. He has represented antitrust plaintiffs in federal court in almost every state in the country. He has appeared before the California Supreme Court, every California appellate district, and has tried cases in every major California city.

- United States Supreme Court
  
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the District of Columbia Circuit
  
- United States District Courts, Pro Hac Vice: Mr. Alioto has tried antitrust cases in the federal District Courts in some forty states including courts in New York, New York

Boston, Massachusetts; Atlanta, Georgia; Minneapolis, Minnesota; Wichita Kansas; Fort Worth, Dallas, and Amarillo, Texas; Las Vegas and Reno, Nevada; Boise, Idaho; Seattle/Tacoma, Washington; Salt Lake City, Utah; Honolulu, Hawaii; Phoenix, Arizona; Albuquerque, New Mexico; Philadelphia, Pennsylvania; and others.

### ANTITRUST CASES SINCE 1969

Since 1969, Mr. Alioto has represented antitrust plaintiffs in more than 300 cases involving various industries, including:

Accounting	Computers	Mining	Satellites Services
Advertising	Construction	Mortgage Banking	and Equipment
Agriculture	Consumer	N.F.L. Football	Shipping
Air Transportation	Electronics	Newspapers	Soda Ash
Aluminum	Corn Wet Milling	Oil	Soft Drinks
Appraising	Cosmetics	Optic Fibers	Steam Shipping
Automobiles	Distilled Spirits	Overhead Doors	Telecomm.
Barges	Distribution	Pacemakers	Tickets
Cable Television	Farm Equipment	Peripheral Mftring	Trading
Cattle Ranching	Glass	Photo-Finishing	Travel Industries
Compact Discs	Health Care	Potash	Trucking
Computer	Hospitals	Potatoes	Wheat
Hardware	Ice Cream	Processing	Wool Mftring
Computer	Insurance	Professional Svcs.	and others
Network	Livestock	Publishing	
Computer	Medical Devices	Rendering	
Software	Milk	Retailing	

### ANTITRUST TRIALS

Mr. Alioto has tried and won more or as many antitrust cases as any attorney in the country. A sampling of his trials, which last anywhere from three weeks to seven months, include the following:

*Gary v. Shell* (Oil)  
*Hallmark v. Reynolds* (Alumina)  
*Treasure Valley Potato Growers v. Ore-Ida* (Potatoes)  
*Fulhurst v. Maytag* (electronic ticketing)

*Chisholm v. International Harvester* (farm equipment)  
*Kohn v. Maricopa Rendering* (rendering)  
*De Voto v. Bankers Mortgage* (mortgage banking)  
*Janich v. American Distilling* (distilled spirits)  
*Bray v. Safeway Stores* (cattle/beef)  
*Cointronics v. Burroughs* (computer processing)  
*TwoDoor v. Overhead Door* (electronic doors)  
*Kaplan v. Burroughs* (computer processing)  
*Aloha Airlines v. Hawaiian Airlines* (passenger air transportation)  
*Bubble-Up v. Coca-Cola* (soft drinks)  
*Selton v. PT&T* (yellow page publishing)  
*Dimmitt v. CPC International* (corn wet milling)  
*Broadway v. UPS* (delivery/consolidation service)  
*McDonald v. Johnson & Johnson* (TENS/pacemakers)  
*Rickards v. CERF* (veterinarians)  
*Adams Construction* (construction)  
*Ringsby v. Consolidated Freightways* (long haul trucking)  
*Lightwave v. Corning* (optic fiber)  
*Metropolitan News v. Daily Journal* (newspaper publishing)  
*Las Vegas Sun v. Summa Corp.* (advertising/publishing)  
*Syufy v. American Theaters* (motion picture production and exhibition)  
*Forro v. IBM* (computer/peripheral manufacturers)  
*Amec v. Johnson & Johnson* (electronic medical equipment)  
*Filco v. Amana* (consumer electronic sales)  
*United States v. Rice Growers* (rice)  
*Go-Video v. Matsushita* (VCRs)  
*Blue Cross v. HCA* (hospitals/insurance)  
*Southern Publishing v. Leshner Publishing* (newspapers)  
*Rao v. S/T Hospitals* (physicians)  
*Los Angeles Raiders v. NFL* (professional football)  
*Baldareli v. H&R Block* (tax preparation)  
*Latian v. Banco do Brasil* (foreign finance)  
*Anderson v. Deloitte, Touche & Ross* (accounting)  
*Montreal Trading v. MIC* (international potash trading)  
*King v. National Benevolent Association* (real estate)  
*Reilly v. Hearst Newspaper Corporation* (newspapers)  
*Raiders v. National Football League* (football)  
*IREF v. Arthur Andersen* (accounting)

### **TRIALS OF SPECIAL NOTE**

Mr. Alioto has twice set the record for the largest judgments in the history of the Antitrust Laws:

- *Bray v. Safeway*, largest judgment in the history of the antitrust laws up to that date (1974, \$32 million).
- *McDonald v. Johnson & Johnson*, largest judgment for individuals in the history of the antitrust laws up to that date (1981, \$170 million).

### **LECTURES ON ANTITRUST**

Approximately 10-20 at American Bar Association, State Bar Associations, Law Schools, Symposia, etc. Topics have varied from practical instruction (*e.g.* “How To Try An International Antitrust Case”) to philosophical underpinning of the antitrust laws (*e.g.* “Adam Smith, Antitrust, and the United States.”)

### **CONGRESSIONAL TESTIMONY**

- United States Senate, Judiciary Committee; United States Congress, Judiciary, Maritime Committees; California Senate
- United States Senate Judiciary Committee hearing regarding “Consolidation in the Oil and Gas Industry: Raising Prices?”

### **TELEVISED DEBATES WITH REAGAN/BUSH ADMINISTRATION DEPARTMENT OF JUSTICE CHIEFS**

- William Baxter, Assistant Attorney General, Antitrust Division; CNN
- Charles Rule, Assistant Attorney General, Antitrust Division; FNN

### **ANTITRUST CASES REPORTED**

The following is a list of Mr. Alioto’s cases that have been published in official reporters, and it therefore represents only a small fraction of his historical case file.

1. *Texaco Inc. v. Dagher*, Nos. 04-805 & 04-814, SUPREME COURT OF THE UNITED STATES, 547 U.S. 1 (2006).
2. *AD/SAT v. AP*, Docket No. 96-7304, UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, 181 F.3d 216 (1999)
3. *Alpha Lyracom Space Communs. v. COMSAT Corp.*, Docket No. 96-9283, UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, 113 F.3d 372 (1997).
4. *Am. Channel, LLC v. Time Warner Cable, Inc.* , Civil No. 06-2175 (DWF/SRN) , UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA , 2007 U.S. Dist. LEXIS 3484 (2007).
5. *Assigned Container Ship Claims, Inc. v. American President Lines, Ltd.*, No. 85-1978, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 784 F.2d 1420 (1986).
6. *AT&T Corp. v. JMC Telecom, LLC*, No. 05-1304 , UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT , 470 F.3d 525 (2006).
7. *Azizian v. Federated Dep't Stores, Inc.*, No. C 03-3359 SBA , UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA (2006).
8. *Betz v. Trainer Wortham & Co.*, No. 05-15704, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (2007).
9. *Black v. Acme Markets, Inc.*, No. 76-3040, UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, 564 F.2d 681 (1977).
10. *Cinema Service Corp. v. Twentieth Century-Fox Film Corp.*, Civ. A. No. 77-265 B, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA, 477 F. Supp. 174 (1979).
11. *CSY Liquidating Corp. v. Harris Trust & Sav. Bank*, No. 96 C 1216, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION (1998).

12. *Dollar Rent A Car Systems, Inc. v. Hertz Corp.*, No. C-75-2650-CBR, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 434 F. Supp. 513 (1977).
13. *EEOC v. Local Union No. 38*, Civil Action No. C 73-0645 SC., United States District Court for the Northern District of California. (1981).
14. *Enron Corp. Secs. v. Enron Corp.*, MDL-1446, CIVIL ACTION NO. H-01-3624, CONSOLIDATED CASES , UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION , 439 F. Supp. 2d 692 (2006).
15. *Feinstein v. Nettleship Co. of Los Angeles*, Nos. 77-3998, 82-5698, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 714 F.2d 928 (1983).
16. *Gibson v. Greater Park City Co.*, Civil No. C-81-0823W., United States District Court for the District of Utah, Central Division. (1984).
17. *Golden State Transit Corp. v. Los Angeles*, CA No. 83-5903, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 726 F.2d 1430 (1984).
18. *Go-Video v. Motion Picture Ass'n of Am.* (In re Dual-Deck Video Cassette Recorder Antitrust Litig.), No. 92-15967, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 10 F.3d 693 (1993).
19. *Go-Video, Inc. v. Akai Electric Co.*, No. 88-2900, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 885 F.2d 1406 (1989).
20. *High Tech. Careers v. San Jose Mercury News*, CIVIL NO. 90-20579 SW, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA (1994).
21. *Hilo v. BP Exploration & Oil*, No. 95-56545, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (1997).
22. *Hilo v. Exxon Corp.*, No. 92-56496, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 997 F.2d 641 (1993).

23. *Horizons International, Inc. v. Baldrige*, Nos. 86-1135, 86-1144, UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT, 811 F.2d 154 (1987).
24. *In re Airport Car Rental Antitrust Litigation*, No. 81-4399, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 693 F.2d 84 (1982).
25. *In re Beef Industry Antitrust Litigation*, MDL No. 248, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION, 542 F. Supp. 1122 (1982).
26. *In re Municipal Bond Reporting Antitrust Litigation*, No. 80-2012, UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT, 672 F.2d 433 (1982).
27. *In re Tableware Antitrust Litig.*, No C-04-3514 VRW , UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA (2007).
28. *J.T. Gibbons, Inc. v. Crawford Fitting Co.*, Civ. A. No. 79-1127, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA, 565 F. Supp. 167 (1981).
29. *Jacobs v. G. Heileman Brewing Co.*, Civil Action No. 82-736, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE, 551 F. Supp. 639 (1982).
30. *Johnston v. IVAC Corp.*, No. 88-1639, UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, 885 F.2d 1574 (1989).
31. *Kalmanovitz v. G. Heileman Brewing Co.*, No. 84-5682, UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT, 769 F.2d 152 (1985).
32. *Lec Tec Corp. v. Johnson & Johnson*, Civil No. 3-81-644; Civil No. 4-79-189., United States District Court for the District of Minnesota, Fourth Division (1982).
33. *Los Angeles Memorial Coliseum Comm'n v. National Football League*, Nos. 83-5907, 83-5908, 83-5909, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 791 F.2d 1356 (1986).
34. *McDonald v. Johnson & Johnson*, Civ. No. 4-79-189, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA, FOURTH DIVISION, 537 F. Supp. 1282 (1982)

35. *Montreal Trading, Ltd. v. Amax, Inc.*, No. 79-1999, UNITED STATES COURT OF APPEALS, TENTH CIRCUIT, 661 F.2d 864 (1981).
36. *National Ass'n of Review Appraisers & Mortgage Underwriters v. Appraisal Found.*, No. 94-2689, No. 94-3074, UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT, 64 F.3d 1130 (1995).
37. *Newby v. Enron Corp. (In re Enron Corp. Secs., Derivative & ERISA Litig.)*, MDL-1446, CIVIL ACTION NO. H-01-3624 CONSOLIDATED CASES , UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION (2007).
38. *Omni Resource Dev. Corp. v. Conoco, Inc.*, No. 82-4615, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 739 F.2d 1412 (1984).
39. *Ostrofe v. H. S. Crocker Co.*, No. 77-3985, UNITED STATES COURT OF APPEALS, NINTH CIRCUIT, 670 F.2d 1378 (1982).
40. *Overhead Door Corp. v. Nordpal Corp.*, No. 4-75-Civ. 523., United States District Court for the District of Minnesota, Fourth Division. (1978).
41. *Pabst Brewing Co. v. Kalmanovitz*, Civil Action No. 82-711, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE, 551 F. Supp. 882 (1982).
42. *Paramount Film Distributing Corp. v. Civic Center Theatre, Inc.*, Nos. 7565, 7566, 7573, 7585, UNITED STATES COURT OF APPEALS TENTH CIRCUIT, 333 F.2d 358 (1964).
43. *Phototron Corp. v. Eastman Kodak Co.*, No. 88-1128, UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, 842 F.2d 95 (1988).
44. *Reazin v. Blue Cross & Blue Shield, Inc.*, No. 85-6027-K, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS, 663 F. Supp. 1360 (1987).
45. *Reilly v. Medianews Group, Inc.*, No. C 06-04332 SI , UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA (2007).



46. *Spanish International Communications Corp., SIN, Inc. v. Leibowitz*, Case No. 84-0655-Civ-Aronovitz, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, 608 F. Supp. 178 (1985).
47. *Stratmore v. Goodbody*, No. 88-5130, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, 866 F.2d 189; 1989 U.S. App. LEXIS 492 (1989).
48. *Syufy Enterprises v. National General Theatres, Inc.*, No. 76-2003, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 575 F.2d 233 (1978).
49. *Thornhill Pub. Co. v. General Tel. & Electronics Corp.*, No. 76-3428, UNITED STATES COURT OF APPEALS, NINTH CIRCUIT, 594 F.2d 730 (1979).
50. *Transeuro Amertrans Worldwide Moving & Relocations, Ltd. v. Conoco, Inc.*, No. 02-5174 , UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT , 95 Fed. Appx. 288 (2004).
51. *Traweek v. San Francisco*, No. C 83-5640 TEH, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 659 F. Supp. 1012 (1985).
52. *Turner v. Johnson & Johnson*, Civil Action No. 79-2259-MC, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS, 549 F. Supp. 807 (1982).
53. *Turner v. Johnson & Johnson*, Nos. 86-1211, 86-1212, UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT, 809 F.2d 90 (1986).
54. *Unioil, Inc. v. E.F. Hutton & Co.*, No. 85-6024, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 809 F.2d 548 (1986).
55. *United Ass'n Local 38 Pension Trust Fund v. Aetna Cas. & Sur. Co.*, No. 84-2667, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 790 F.2d 1428 (1986).
56. *United States v. G. Heileman Brewing Co.*, Civil Action No. 82-750, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE, 563 F. Supp. 642 (1983).

57. *Unocal Corp. v. Kaabipour*, No. 97-56324, No. 98-56216, No. 98-56631, No. 98-56365, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 177 F.3d 755 (1999).
58. *Wang & Wang, LLP v. Banco Do Brasil, S.A.*, No. Civ. S-06-00761 DFL KJM , UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA (2007).
59. *Zinser v. Continental Grain Co.*, Nos. 79-2296, 79-2310, UNITED STATES COURT OF APPEALS, TENTH CIRCUIT, 660 F.2d 754 (1981).

## **Theresa D. Moore**

Ms. Moore specializes in trial practice and mediation. Her substantive legal focus includes antitrust, unfair competition, business, consumer and complex class actions. Ms. Moore has been representing antitrust plaintiffs with the Alioto Law Firm since 1981. She has been lead counsel in over 100 trials, including civil and criminal trials as a Deputy District Attorney in San Francisco.

Ms. Moore is a Judge Pro Tem for the State of California in San Francisco Superior Court. She is a distinguished Professor Adjunct in Trial Advocacy and Evidence at the University of California, Hastings College of Law. She has served as keynote speaker and co-chair for the National College of Advocacy.

Ms. Moore is also a California Certified Mediator and Special Master. She has successfully mediated approximately 150 cases for private and government organizations, including the Federal Equal Employment Opportunity Commission, Multi-Option ADR Project, State of California First District Court of Appeal, Conflicts Resolution Center, San Francisco Superior Court, and the San Mateo County Courts.

Ms. Moore received her Juris Doctor from the University of California, Hastings College of the Law in 1981. She received her Bachelor of Arts from the University of Santa Clara in 1978.

Ms. Moore is admitted to practice in the State of California, as well as the United States District Courts for the Northern, Eastern and Central Districts of California.

A representative sample of Ms. Moore's class action and antitrust cases includes:

*AD/SAT v. Associated Press, et al.*-- antitrust litigation alleging illegal pricing  
U.S.D.C. S.D.N.Y.; Case No. 94-civ-6655 (PKL)

*In Re: Airline Ticket Commission Antitrust Litigation*- antitrust class action alleging that the airlines conspired to fix travel agents' commission rates  
U.S.D.C. Minn Fourth Division; MDL Docket No. 1058 Master File No. 4-95-107 (all actions combined)

*AD/SAT v. McClatchy Newspapers, Inc.*-- antitrust litigation alleging and illegal pricing conspiracy U.S.D.C. for the Eastern District of California; Case No. CIV-S-95-1387 (DFL) (PAN)

*Neve Brothers, et al. v. Potash Corporation of Saskatchewan, et al.*-- antitrust class action of indirect purchasers of potash.  
Sup. Ct. CA S.F. Case No. 959767; Ct. App. CA, 1<sup>st</sup> Dist..

*Notz et al v Ticketmaster-Southern Californai, Inc. et al.* --antitrust consumer class action alleging a territorial allocation in violation of the Cartwright Act  
Sup. Ct. CA S.F. Case No. 943-327

*Cosmetics Antitrust Litigation*--antitrust class action alleging that manufacturers of prestige cosmetics and retail department stores conspired to prevent discounting of cosmetics Sup. Ct CA Marin J.C.C.P. 4056; USDC N.D.CA No. 3:03 cv-03359 SBA

*Automobile Antitrust Litigation I, II* JCCP 4298 and 4303—antitrust statewide class action by indirect purchasers alleging a price fixing conspiracy. Sup.Ct. CA S.F; J.C.C.P. Nos. 004298, 004303;U.S.D.C. for the District of Maine; MDL 03-md-1532

*Clayworth, et al. v. Pfizer, Inc., et al.*--antitrust action by indirect purchaser retail pharmacists alleging a price fixing conspiracy. against major drug manufacturers  
Sup. Ct. CA Alameda Case No. 04172428

*In Re Nasdaq Market Makers Antitrust Litigation* --antitrust nationwide class action alleging a price fixing conspiracy MDL 1023 94 Civ. 3996 (RWS)

*Breaux v Agency Rent a Car; USDC N.D. CA*--class action of employees of rental car company

*In Re Tableware Litigation*; antitrust action alleging illegal pricing and boycott U.S.D.C. Case No. C-04-3514 VRW

### **Angelina Alioto-Grace**

Mrs. Alioto-Grace is a general commercial litigator with a focus in antitrust, complex business tort, class action, intellectual property, unfair competition, and racial discrimination. Her experience includes both trial and appellate advocacy in the federal and state courts. Mrs. Alioto-Grace's responsibilities include all aspects of trial preparation from opening statement through argument. Additional pre-trial responsibilities include initiating pleadings, all phases of discovery, client retention and management, and settlement negotiation.

Mrs. Alioto-Grace is admitted to practice in the State of California, the State of New York, the Commonwealth of Massachusetts, the United States Supreme Court, the Ninth Circuit Court of Appeals, the United States District Court for the Northern District of California and the United States District Courts for the Southern and Eastern Districts of New York.

Mrs. Alioto-Grace is a former associate of Akin, Gump, Strauss, Hauer & Feld L.L.P. in New York, New York. She received her Juris Doctorate in 1995 from the Georgetown University Law Center. After law school, Mrs. Alioto-Grace clerked for the Office of the Counsel to the President of the United States.

**Thomas P. Pier**

Mr. Pier practices antitrust litigation with the Alioto Law Firm. He is admitted to practice in the State of California, as well as the United States District Court for the Northern District of California. Since joining the Alioto Law Firm in 2005, Mr. Pier has been involved in antitrust litigation in the fields of transportation, communications, pharmaceuticals, and building controls. Mr. Pier's primary responsibilities are in the coordination of discovery matters.

Mr. Pier received a Juris Doctorate from the University of San Francisco in 2004. Mr. Pier also received a Master of Arts in Journalism from the University of Texas, Austin in 2003, and a Bachelor of Arts in Public Policy from Brown University in 1995.

## EXHIBIT 2

EXHIBIT 1

IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917  
TIME AND LODESTAR SUMMARY  
INDIRECT PURCHASER PLAINTIFFS

Firm Name	Theresa Moore		
Reporting Year	Inception through Present		

Year		1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
2007	\$ 695.00	2.0	0.0	1.5	0.0	0.0	0.0	0.0	0.0	2.5	3.5	0.0	0.0	9.5	\$ 6,602.50
2008	\$ 725.00	17.5	2.0	1.1	0.0	0.0	0.0	0.0	0.0	2.0	56.1	0.0	0.0	78.7	\$ 57,057.50
2009	\$ 750.00	4.5	2.1	0.0	0.0	0.0	0.0	0.0	0.0	7.5	7.4	1.3	0.0	22.8	\$ 17,062.50
2010	\$ 750.00	4.3	1.2	0.0	0.0	0.0	0.0	0.0	0.0	4.5	12.3	0.0	0.0	22.3	\$ 16,687.50
2011	\$ 750.00	2.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	5.4	2.2	0.0	11.4	\$ 8,550.00
2012	\$ 750.00	5.4	0.0	0.0	0.0	0.0	0.0	0.0	2.6	3.0	12.2	2.6	0.0	25.8	\$ 19,312.50
2013	\$ 775.00	5.1	0.0	0.0	0.0	0.0	0.0	0.0	2.5	2.5	8.7	1.0	0.0	19.8	\$ 15,345.00
2014	\$ 785.00	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.9	7.3	4.3	0.0	22.1	\$ 17,348.50
2015	\$ 795.00	2.0	0.0	0.0	0.0	0.0	0.0	0.0	3.0	0.0	9.1	4.0	0.0	18.1	\$ 14,397.45
		49.2	5.3	2.6	0.0	0.0	0.0	0.0	8.1	27.9	122.0	15.4	0.0	230.4	\$ 172,363.45

**STATUS:**

(P) Partner  
(OC) Of Counsel  
(A) Associate  
(LC) Law Clerk  
(PL) Paralegal  
(I) Investigator

**CATEGORIES:**

1 Attorney Meeting/Strategy  
2 Court Appearance  
3 Client Meeting  
4 Draft Discovery Requests or Responses  
5 Deposition Preparation  
6 Attend Deposition - Conduct/Defend  
7 Document Review  
8 Experts - Work or Consult  
9 Research  
10 Motions/Pleadings  
11 Settlement  
12 Trial



**IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917  
TIME AND LODESTAR SUMMARY  
INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	Theresa Moore		
<b>Reporting Year</b>	2007		

[illegible]

**IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917**  
**TIME AND LODESTAR SUMMARY**  
**INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	Theresa Moore		
<b>Reporting Year</b>	2008		

Name/Status	Hourly Rate	1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
T Moore/OC	\$ 725.00	17.5	2.0	1.1						2.0	56.1			78.7	\$ 57,057.50
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
		17.5	2.0	1.1	0.0	0.0	0.0	0.0	0.0	2.0	56.1	0.0	0.0	78.7	\$ 57,057.50

**IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917**  
**TIME AND LODESTAR SUMMARY**  
**INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	Theresa Moore		
<b>Reporting Year</b>	2009		

[illegible]

**IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917**  
**TIME AND LODESTAR SUMMARY**  
**INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	Theresa Moore		
<b>Reporting Year</b>	2010		

[illegible]

**IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917**  
**TIME AND LODESTAR SUMMARY**  
**INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	Theresa Moore		
<b>Reporting Year</b>	2011		

[illegible]

**IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917**  
**TIME AND LODESTAR SUMMARY**  
**INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	Theresa Moore		
<b>Reporting Year</b>	2012		

Name/Status	Hourly Rate	1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
T Moore/OC	\$ 750.00	5.4							2.6	3.0	12.2	2.6		25.8	\$ 19,312.50
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
		5.4	0.0	0.0	0.0	0.0	0.0	0.0	2.6	3.0	12.2	2.6	0.0	25.8	\$ 19,312.50

**IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917**  
**TIME AND LODESTAR SUMMARY**  
**INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	Theresa Moore		
<b>Reporting Year</b>	2013		

[illegible]

**IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917  
TIME AND LODESTAR SUMMARY  
INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	Theresa Moore		
<b>Reporting Year</b>	2014		

[illegible]



**IN RE CATHORADE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917**  
**TIME AND LODESTAR SUMMARY**  
**INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	Therea Moore		
<b>Reporting Year</b>	2015		

[illegible]